

**EDWARDS UNDERGROUND WATER DISTRICT—WELLS—  
POWERS AND DUTIES****CHAPTER 306****S. B. No. 41**

An Act relating to the powers and duties of the Edwards Underground Water District, including those of reporting violations and requiring well logs; authorizing a lien on land of not to exceed \$100 under certain circumstances to cover expenses of capping wells; amending Section 3, Chapter 99, Acts of the 56th Legislature, Regular Session, 1959 (Article 8280—219, Vernon's Texas Civil Statutes); and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

Section 1. Section 3, Chapter 99, Acts of the 56th Legislature, Regular Session, 1959 (Article 8280—219, Vernon's Texas Civil Statutes), is amended <sup>21</sup> to read as follows:

**Powers of the District**

"Sec. 3. The District shall have and is hereby authorized to exercise the following powers, right and privileges and functions:

"(1) to conserve, preserve, protect and increase the recharge of and prevent the waste and pollution of the underground water;

"(2) to acquire lands and easements by purchase or by exercise of the power of eminent domain for the erection of dams and for the purpose of drilling and equipping in-put wells, and to drill, equip and operate in-put wells, construct dams, and to install pumps and other equipment necessary to recharge the underground water-bearing formations; to acquire by contract or purchase, waters and water rights deemed necessary or appropriate by the Directors of the District for conserving and recharging underground water-bearing formations; and to appropriate water for such recharge under the provisions of Art. 7470, Revised Civil Statutes, as amended; provided, however, the power of eminent domain as herein provided for, shall be limited to the Counties of Bexar, Comal, Hays, Medina, Uvalde;

"(3) to cause surveys to be made of the underground water reservoirs or subdivisions thereof and of underground water-bearing formations; to cause investigations to be made to determine the movement of underground water and the quantity thereof available for production and use and the improvements and developments needed in recharging underground water reservoirs or Subdivisions thereof and underground water-bearing strata;

"(4) to develop comprehensive plans for the most efficient use of underground water and for the prevention of waste and pollution of underground water; to collect and preserve information regarding the prevention of waste and pollution of underground water and to publish such plans and information, and otherwise bring them to the notice and attention of the users of underground water within the District;

"(5) to institute and defend suits and proceedings before any court or any administrative body or agency, State or Federal, in carrying out the purposes, powers and functions of the District;

"(6) to enter into contracts with and to participate in joint efforts and projects with water districts, conservation districts, cities and towns, counties and municipal and governmental agencies of every kind, both State and Federal, and with individuals and private corporations, for the purpose of conserving, protecting, recharging, or benefiting underground water-bearing formations within the District and waters therein, and the Board of Directors of the District shall be empowered to use, dedicate and pledge taxes and revenues of the District and to use the proceeds from District bonds for said purposes whether the District or some other municipal or governmental agency or department is in charge of such work or development;

"(7) to require that copies of water well drillers' logs required to be kept and furnished to the Texas Department of Water Resources or its successor by The Water Well Drillers Act, as amended (Article 7621e, Vernon's Texas Civil Statutes), be furnished to the District. The well log required herein shall at the request in writing to the district, by certified mail, by the owner or the person having such well drilled, be held as confidential matter and not made of public record;

"(8) to report to the Texas Department of Water Resources violations of The Water Well Drillers Act, as amended (Article 7621e, Vernon's Texas Civil Statutes), and rules and regulations of the department pertaining to the Act;

"(9) to require the owner or lessee of land on which an open or uncovered well is located to keep the well permanently closed or capped with a covering capable of withstanding weight or pressure of at least 400 pounds per square inch, except when the well is in actual use. As used in this subsection, 'open or uncovered well' means an artificial excavation at least 10 feet deep that is dug or drilled for the purpose of producing water from the underground water reservoir and is not capped or covered as required by this subsection. If the owner or lessee fails or refuses to close or cap the well in compliance with this subsection within 30 days after being directed to do so in writing by certified mail by an officer, agent, or employee of the District, any person, firm, or corporation employed by the District may go on the land and close, plug, or cap the well. Expenses incurred by the District in closing, plugging, or capping a well, not to exceed \$100, shall constitute a lien on the land on which the well is located. The lien is perfected by filing in the County Court of the county where the well is located a sworn petition executed by the Chairman of the Board of Directors of the District, stating the following:

"(A) the existence of the well;

"(B) the legal description of the property on which the well is located;

"(C) the approximate location of the well on the property;

"(D) the failure or refusal of the owner or lessee, after notification, to close, plug, or cap the well as required by this section within 30 days after notification;

"(E) the closing, plugging, or capping of the well by the District or its authorized agent, representative, or employee; and

"(F) the expense incurred by the District in closing, plugging, or capping the well.

"If after notice and hearing the County Court finds the facts required by this section, he shall enter a judgment which shall constitute a lien on the land when recorded in the deed records. The judgment of the County Court is appealable as are other civil cases in which the County Court has original jurisdiction."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 15, 1979: Yeas 29, Nays 0; Senate concurred in House amendment on May 23, 1979: Yeas 31, Nays 0; passed the House, with amendment, on May 18, 1979: Yeas 125, Nays 16, one present not voting.

Approved June 6, 1979.

Effective June 6, 1979.

## JUVENILE COURTS—DESTRUCTION OF RECORDS

### CHAPTER 307

#### S. B. No. 46

An Act relating to destruction of certain juvenile court records; adding Subsection (i) to Section 51.16, Family Code, as amended.

*Be it enacted by the Legislature of the State of Texas:*

Section 1. Section 51.16, Family Code, as amended, is amended by adding " Subsection (i) to read as follows:

"(i) On the motion of a person in whose name files and records are kept or on the court's own motion, the court may order the destruction of all files and records concerning a person who has been adjudicated to be a child in need of supervision or a delinquent child if:

"(1) seven years have elapsed since the child's 16th birthday; and

"(2) the person has not been convicted of a felony."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 29, 1979, by a viva-voce vote; passed the House on May 18, 1979: Yeas 138, Nays 3, eight present not voting.

Approved June 6, 1979.

Effective Aug. 27, 1979, 90 days after date of adjournment.

22. V.T.C.A. Family Code, § 51.16, amended.

(1).